

Order

Michigan Supreme Court
Lansing, Michigan

July 13, 2010

Marilyn Kelly,
Chief Justice

ADM File No.2006-25

Michael F. Cavanagh
Elizabeth A. Weaver
Maura D. Corrigan
Robert P. Young, Jr.
Stephen J. Markman
Diane M. Hathaway,
Justices

Administrative Order No. 2010-5

29th Judicial Circuit Court
Pilot Project No. 1
(Family Division Informal Docket
for Low Conflict Domestic Relations Cases)

On order of the Court, the 29th Judicial Circuit Court is authorized to implement a domestic relations pilot project to test the effectiveness of an informal docket for selected domestic relations cases.

The pilot project shall begin September 1, 2010, or as soon as an evaluator has been selected to evaluate the project, and shall continue for three years, or until further order of this Court.

If this Court adopts generally applicable Michigan Court Rules for informal dockets during the pendency of the pilot project, the 29th Judicial Circuit Court must, within 60 days of the effective date of the adopted rules, modify its procedures to comply with those new rules.

The 29th Judicial Circuit Court must collect and provide statistics and other information to the State Court Administrative Office and its retained evaluator to assist in evaluating the effectiveness of the project.

1. Purpose of the Pilot Project

The purpose of the pilot project is to study the effectiveness of alternative, less formal procedures designed to help *pro se* domestic relations litigants use the judicial system more effectively, foster a cooperative ongoing relationship between the parties, and improve the court's processing of domestic relations cases.

2. Participation

(a) The 29th Judicial Circuit Court shall issue a local administrative order that

specifies one of the following criteria for creating a pool of pilot project cases and a separate pool of comparison group cases: (i) selection based on *case filing dates*, (ii) selection of a *specific number of filed cases* that satisfy all the other project criteria, or (iii) selection by the *presiding judge*.

(b) The court shall select cases for participation as soon as possible after the filing and service of each complaint.

(c) This is a voluntary project. The court will not require parties to participate, but will offer the opportunity to all those who qualify.

3. Friend of the Court Settlement Conference

After service of the complaint, the answer to complaint, and the summons, the court will refer *pro se* parties to the Friend of the Court Office for a settlement conference and the subsequent preparation of a recommended order for custody, parenting time, and child support. During the conference, an FOC staff person will provide information about the pilot project and verify that the case meets all the selection criteria. Eligible parties who agree to participate must sign a consent form.

4. Hearings With the Assigned Family Division Judge

After the assignment clerk receives copies of both parties' consent forms, the clerk will schedule the parties for an initial hearing with the presiding judge within 30 days. If either party objects to the FOC settlement conference recommended order, the objection will be heard at the initial hearing, provided that the objecting party has filed a written statement of those reasons and sent copies to the other party, the judge's assignment clerk, the judge's office, and the Friend of the Court. During the initial hearing, the judge and the parties must discuss the following issues, as applicable to each case:

- Unresolved disputes.
- Possible evidence.
- Possible witnesses.
- The schedule for subsequent hearings.¹

¹ At the initial settlement conference with the Friend of the Court, parties will receive motion forms, including a form to request removal of the domestic relations case from the project, and a judgment of divorce form.

- Any property settlement agreements. If the parties have not yet agreed on the division of all the marital property, the court may grant an extension.
- The procedure for preparing and entering a judgment of divorce, including which party will prepare the judgment.

The Assigned Family Division Judge will explain the conference-style hearing to both parties at the initial hearing. Both parties must agree in court on the record to the use of the conference-style hearing. If the parties do not agree to use conference-style hearing, the parties may still participate in the informal docket project and use informal evidentiary rules and procedures

For pilot project cases, conference-style hearings will be conducted. Both parties and all witnesses will be sworn in. The hearings will be recorded. Either party may present evidence. Either party or the judge may ask questions.

If there is more than one unresolved issue, the judge will instruct the parties to discuss each issue individually and then facilitate the parties' discussions. Although parties will have an opportunity to question each other, the parties may ask only issue-clarifying questions. The judge may allow or reject each question.

All witnesses must testify in a similar manner. They may provide narrative testimony. The parties and the judge may question the witnesses. The judge may allow conversations between the parties and the witnesses.

If the court determines the case should be removed from the pilot project for any reason, the court will state the reasons on the record.



I, Corbin R. Davis, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

July 13, 2010

Corbin R. Davis

Clerk